

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :

Plaintiff :
vs. :

MARK A. CIAVARELLA, JR. :

3 :CR-09-272-01
(Kosik, J.)

Defendant :

MOTION TO ENLARGE THE DISTRICT COURT RECORD

Defendant, Mark A. Ciavarella, Jr., through undersigned counsel requests that this Court enlarge the district court record to reflect certain letters, and in support of that request represents as follows:

1. At a Pre-Sentence Hearing held in the conference room on August 11, 2011 the Court and defense counsel referenced seven letters written by the Court in response to certain letters submitted to the Court by citizens. For example, Mr. Robert Wojcik and Mr. George Spohrer. (See Tr. 2, Pre-Sentence Conference Thursday, August 11, 2011).

2. Undersigned counsel has inquired as to the preservation of the letters referenced in paragraph 1 and has determined that the letters are referenced in docket number 267 entitled SENTENCING EXHIBIT-folder

containing letters referred to in the court's Memorandum for the Record (doc. 265). (th,) (Entered: 08/11/2011).

3. The Defendant's within request refers to the letters contained in the folder referenced above.

4. The Defendant/now Appellant is in need of the specific letters being of record since he is relying in part on the letters to support and argument he is making in his appeal to the United States Court of Appeals for the Third Circuit.

Wherefore, undersigned counsel respectfully requests that this Court include in the record the letters referenced above.

Respectfully submitted:

LAW OFFICE OF WILLIAM RUZZO, ESQUIRE
WILLIAM RUZZO, ESQUIRE
Attorney I.D. #75865
590 Rutter Avenue
Kingston, Pa. 18704
Phone: (570) 288-7799
Fax: (570) 288-7798

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :

Plaintiff :
vs. :

MARK A. CIAVARELLA, JR. :

Defendant :

3 :CR-09-272-01
(Kosik, J.)

CERTIFICATE OF CONCURRENCE

On March 2, 2012, undersigned counsel discussed the above-motion with Assistant United States Attorney Gordon Zubrod at which time he advised me that the government concurs in the same.

s/ William Ruzzo

WILLIAM RUZZO, ESQUIRE
ID#75865
590 Rutter Avenue
Kingston, PA 18704
COUNSEL FOR DEFENDANT

DATED: March 2, 2012

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA
WILLIAM J. NEALON FEDERAL BLDG. & U.S. COURTHOUSE
235 N. WASHINGTON AVE., P.O. BOX 856
SCRANTON, PA 18501-0856

EDWIN M. KOSIK
JUDGE

TEL. (570) 207-5730
FAX (570) 207-5739

February 20, 2009

Robert Wojack
37 Winter Street
Yatesville, PA 18640

Dear Mr. Wojack:

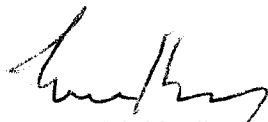
Thank you for your letter and expressed concerns over the corruption which has come to light in Luzerne County, and most seriously with the courts.

My personal opinions are in complete sympathy with those you express. The only difference is that my personal beliefs cannot guide my responsibility and judgments.

As you know, the government has entered into an agreement with the defense with regard to the sentence which is binding if neither side rejects it. According to the government, this resulted because of the legally questionable Count I of the indictment. To proceed, it would result in litigation and appeals which could extend any finality in the case for at least one year. I need to determine if the government's reasoning is correct, and I must do so as detached as possible.

I am not sure we have seen the end of many transgressions in your county.

Sincerely,



Edwin M. Kosik
United States District Judge

EMK/rd

received
2/20/09

EMK

ROBERT WOJACK
37 Winter Street
Yatesville, Pennsylvania 18640
(570) 654-4901

William J. Nealon Federal Building
United States District Court
235 N Washington Avenue
Scranton, Pennsylvania 18501

Honorable Judge Edwin M. Kosik

Your honor, I am one small voice that you represent, yet mine is as important as the many thousand others. You have a huge challenge before you, but you have the opportunity to restore the public trust in our courts. The case you have before you and the sentencing of two Luzerne County judges is of paramount importance to the people you serve and the trust they must have in our system. This is why I am writing this letter of appeal, to ask you to search the deepest veins of your soul and find reason not to let these two judges off lightly.

Judges Ciavarella and Conahan have committed the most serious crime against the people, they turned their courtrooms and their power into a business for profit at the expense of children. They have disgraced the office they held and they have disgraced the robes you all wear. To the very day of their hearing before you, they displayed a lack of respect for me and you. Judge Conahan was able to withdraw pension money from his account in January which would have been forfeited under the law if a guilty plea was in place. Judge Ciavarella filed a lawsuit against Luzerne County to protect the jobs of his friends and relatives, costing more misuse of taxpayers dollars.

I firmly believe that elected officials should be held to a higher standard and the punishment for crimes that they commit against the people using the public trust as their weapon should also be of a higher standard. This is why I appeal to you to hold these two men to a higher standard and a higher sentence. Seven and a third years and some forfeiture of wealth is not severe enough punishment to begin the healing of the public trust.

Sincerely,



Robert Wojack

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA
WILLIAM J. NEALON FEDERAL BLDG. & U.S. COURTHOUSE
235 N. WASHINGTON AVE., P.O. BOX 856
SCRANTON, PA 18501-0856

EDWIN M. KOSIK
JUDGE

TEL. (570) 207-5730
FAX (570) 207-5739

February 20, 2009

24

Robert Wojack
37 Winter Street
Yatesville, PA 18640

Dear Mr. Wojack:

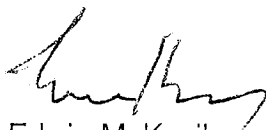
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Sincerely,



Edwin M. Kosik
United States District Judge

EMK/rd

2/20/09

EMK

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Sincerely,



Robert Wojack

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA
WILLIAM J. NEALON FEDERAL BLDG. & U.S. COURTHOUSE
235 N. WASHINGTON AVE., P.O. BOX 856
SCRANTON, PA 18501-0856

EDWIN M. KOSIK
JUDGE

TEL. (570) 207-5730
FAX (570) 207-5739

March 2, 2009

25

George A. Spohrer, Esq.
116 Orchard East
Dallas, PA 18612-1819

Dear George,

Thank you for your letter and frank expressions. If personal opinions were our only guide, we are on the same page.

In 1949, when I first applied to law school, the Luzerne County Bench was first among county courts in Pennsylvania. What a fall! Francis Bacon, in his essay on "Judicature," in writing about judges wrote that above all things, integrity is their lot and proper virtue; the landmark, and he that removes it corrupts the fountain.

The prosecution stated the plea bargain was reached because of some legal uncertainties in a law which prohibits corrupting public service. To litigate the uncertainties before finality would result in extending the presumption of innocence for at least a year. Accordingly, they claim to have been guided by the need of closure.

George, you have always had my respect since the day of that pro bono murder case.

Very truly yours,



Edwin M. Kosik

EMK/rd

George A. Spohrer

Attorney at Law

Feb. 26/ ,2009

Hon. Edwin M. Kosik, Judge
Middle District of Penna.
Nealon Federal Bldg.
235 N.Washington Ave.
Scranton, Penna. 18501

Re: Conahan and Ciavarella

Dear Judge Kosik:

In July I opted for retirement status with the Penna. Bar after having practiced for over 55 years. I have been a member of the Federal Bar since 1954.

When I listened to the announcement of the U. S. Atty. concerning the guilty pleas and bargain with two corrupt judges I became physically ill. Our honorable profession has been sullied, and it will take drastic and dramatic action to clear out the Stygian stable represented by the actions of these two scoundrels who have betrayed their trust.

The Luzerne County Bar and Bench is made up of Honorable men. As a young lawyer I served for ten years as Chairman of the Disciplinary Committee here, before the State Bar Committee was formed. In that period of time we heard only two cases, one alcoholic was forging his father's name on checks, and the other mismanaged funds in an estate. One was dealt with compassion,. and the other, harshly.

Here in the Middle District we have had only one corrupt judge, and that case came to light just before my admission. God has blessed our court with good and able men over many years.

From public comment, I fear that our people have formed the opinion, that by copping a plea, and literally setting their own sentences,

these two scoundrels are being given special treatment that belies the seriousness of their betrayal.

I remember well, when a few years ago Federal Marshals led New York stock brokers out of their offices, very publicly, and in shackles. None of those charges held up, and all were dismissed.

How much more serious are the transgressions of these two men, who have brought our precious Court System into suspicion and disrepute. They were not publicly hauled before the Bar of Justice, and people rightly suspect special treatment.

I feel that over the years I handled my extensive practice with consideration and compassion. As a young lawyer I tried four capital cases, one of them pro bono. But I have no sympathy for two men who conspired to sully our system for personal gain, and whose actions bring our system of Justice into mistrust and ill-repute.

In handling the arraignment of these two, you must insist on testimony and witnesses appearing in open court, so that the public is convinced that the entire record of this miscarriage of justice is out in the open, with all participants identified and brought to account.

For confidence to be restored, the fresh air of full disclosure, and the pure, cleansing waters of truth must be forced thru the Luzerne County Court System.

When the press reported that you were assigned this painful assignment, I said a prayer of thanks. My contact with your office over the years gives me peace with the assurance that you will do your duty in restoring public confidence in our foundering ship of Justice.

I will pray for you every day that your quest produces necessary results.

Kindest personal regards,


George A. Spohrer, Esq.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA
WILLIAM J. NEALON FEDERAL BLDG. & U.S. COURTHOUSE
235 N. WASHINGTON AVE., P.O. BOX 856
SCRANTON, PA 18501-0856

EDWIN M. KOSIK
JUDGE

TEL. (570) 207-5730
FAX (570) 207-5739

July 23, 2009

26

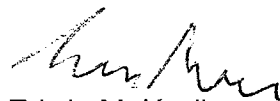
Eileen Stefanko
360 Orchard Street
Old Forge, PA 18518-1946

Dear Ms. Stefanko:

Thank you for your letter of July 21 concerning the case of two judges out of Luzerne County.

Your sentiments are noted. However, I have yet to receive a pre-sentence report which will aid in making a decision.

Sincerely,



Edwin M. Kosik
United States District Judge

EMK/rd

July 21, 2009

Judge Edwin M. Kosik
c/o William Nealon Federal Building
235 N. Washington Avenue
Scranton, Pa. 18503

Dear Honorable Judge Kosik,

I ask you to please impose a long prison time for the two corrupt Luzerne County judges, Michael T. Conahan and Mark A. Ciavarella Jr., who will soon appear before you in your courtroom for sentencing.

Their crimes deserve a punishment of many long years in prison, which will allow them time to think about their many unlawful deeds, as well as, the many lives they have ruined because of their greediness and corruptness. People have lost faith and trust in our elected and appointed officials.

They are a disgrace to their professions and taxpayers are fed up . Their only regret is that they got caught not that they are remorseful in any way for their wrongdoings.

Please set a standard for any and all other corrupt officials, no matter who they are or how powerful they may be.

Hopefully, you will impose maximum sentences for both.

Sincerely,

Eileen Stefanko
Eileen Stefanko

Dear Ms. Stefanko

Thank you for your letter of July 21 concerning the case of two judges out of Luzerne County.

Your sentiments are noted. However, I have yet to receive a pre-sentencing report which will aid in making a decision. Sincerely,

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
WILLIAM J. NEALON FEDERAL BLDG. & U.S. COURTHOUSE
235 N. WASHINGTON AVE., P.O. BOX 856
SCRANTON, PA 18501-0856
Chambers_of_Judge_Edwin_M._Kosik@pamd.uscourts.gov

EDWIN M. KOSIK
JUDGE

TEL. (570) 207-5730

FAX (570) 207-5739

May 6, 2010

Eugene J. Klimash
118 W. Ridge Street
Shavertown, PA 18708

27

Dear Mr. Klimash,

I thank you for the letter expressing interest in and opinions concerning the judicial process as it may play out in the case of former Judge Conahan.

I appreciate your views and hope that ultimately you can respect the final consideration in the case before me.

Sincerely,

Edwin M. Kosik
United States District Judge

April 30, 2010

Rec'd 5/5/10

Honorable Edwin M. Kosik
United States District Judge
Middle District Of Pennsylvania
P.O. Box 856
Scranton, Pa. 18501

Re: Plea Agreement By Former Judge Michael Conahan

Judge Kosik:

After reading about the above referenced matter this morning I felt compelled to write you this letter in advance of the sentence you will be imposing.

I have been following this case from the beginning and at this point my biggest fear is that somehow Conahan will end up with a lesser sentence that is truly deserved. As I am sure you realize, many other people are also awaiting the outcome of this matter with great interest.

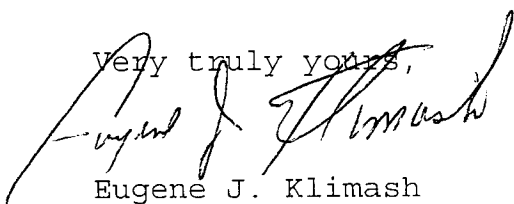
Realizing that a Judge is the last person to render a fair and honorable decision concerning peoples lives, Conahan failed to live up to that responsibility. I cannot over emphasize enough that your decision will go a long way in restoring the faith we all need in our judicial system.

I recall that when you rejected the first plea agreement by Conahan back in July of last year you said that he "failed to accept responsibility" for his actions. I was pleased to read this in your order since it is exactly how many of us citizens also feel.

Knowing that sentencing guidelines will enter into your decision, I still hope that you would consider imposing a very lengthly prison sentence not only as punishment but as mentioned above to also restore the confidence in our system that we desperately need at this time.

Thank you in advance for reading this letter and for any consideration you may give to it.

Very truly yours,



Eugene J. Klimash
118 W. Ridge Street
Shavertown, Pa. 18708

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA
WILLIAM J. NEALON FEDERAL BLDG. & U.S. COURTHOUSE
235 N. WASHINGTON AVE., P.O. BOX 856
SCRANTON, PA 18501-0856

EDWIN M. KOSIK
JUDGE

TEL. (570) 207-5730
FAX (570) 207-5739

July 16, 2009

28

Mr. Dan Polerecki
246 Broad St.
Pittston, PA 18640-2544

Dear Dan,

Thank you for your note concerning the pending case before me. I appreciate your views and hope that ultimately you can respect the final consideration in the case before me.]

↓

Sincerely,



Edwin M. Kosik
United States District Judge

EMK/rd



Dan Polerecki

246 Grand Street
Pittston, Pa. 18640
July 15, 2009

Dear Judge Kark:

I am writing to ask you to
impose the Kark and
Sengle punishment (Debate
in Kark's Motion
and Cavanaugh).

Thank you for your
consideration.
Respectfully,
Dan Polerecki

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA
WILLIAM J. NEALON FEDERAL BLDG. & U.S. COURTHOUSE
235 N. WASHINGTON AVE., P.O. BOX 856
SCRANTON, PA 18501-0856

EDWIN M. KOSIK
JUDGE

TEL. (570) 207-5730
FAX (570) 207-5739

February 24, 2010

29

Thomas and Mary Kozlek
402 Millington Road
Shavertown, PA 18708

Dear Mr. and Mrs. Kozlek:

Thank for your letter received by me on February 24th of this year, voicing your concerns regarding Judge Michael Conahan.

This is just another example of why Judge Conahan and his cohort have been indicted and expect to go to trial in the federal criminal case. With best wishes for your wife's future, I remain,

Sincerely,



Edwin M. Kosik
United States District Judge

EMK/rd

received

2/24/10

ENK

Edwin Kozick
U.S. District Court (Federal Building)
Middle District of Pennsylvania
235 North Washington Ave.
Scranton, Penna. 18501

Your honor,

This complaint involves a decision rendered by Judge Michael Conahan of Luzerne County, Penna. In 1999. The case number is 7538C of 1998. Mary E. Kozlek and Thomas F. Kozlek vs. Janet E. Flack. The essential features of this case was Janet E. Flack rear ended Mary E. Kozlek (my wife) on 2/18/98 in Wilkes-Barre, Penna. Mary sustained spine, neck and arm injuries and headaches from which she continues to suffer progressively.

When my wife was rear ended by Janet Flack, it was documented she was on her cell phone and wasn't paying attention to her driving. This occurred in a 25 mile per hour speed zone coming out of a 15mile per hour school zone in Wilkes-Barre, Penna. Janet Flack did not apply her brakes until after she hit my wife according to the witness. Janet Flack was driving a large van and my wife was driving a smaller Taurus.

Mary's first attorney was Charles J. Bufalino 111 who turned the case over to Malcom Lemongelli. Janet Flack's attorney was Thomas B. Helbig of Scanlon, Hawley, Scanlon and Doherty of 1000 Bank Towers, Scranton, Penna. 18503.

Mary Kozlek and I wanted a jury trial. Attorney Malcom Lemongelli and Judge Michael Conahan insisted on a bench trial against our wishes and protest. Attorney Lemongelli insisted that the judge would be fair and impartial.

Albert Janowicz M.D. gave a deposition of my wife's injuries. This is confirmed by numerous other physicians.

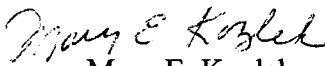
During the bench trial Judge Conahan acted very disinterested and bored. He kept drooling with a pencil and paper. My wife and I felt that this was a kangaroo style court because he knew beforehand his decision would have a favorable outcome for Janet Flack regardless of the evidence.

We were very disappointed with the decision. Attorney Lemongelli adametly refused to appeal the decision. We felt there was collusion there.

My wife continues to suffer from these injuries and I am concerned about her long term care and just compensation.

Janet Flack acted irresponsibly and should be charged with the accident.

With the recent legal problems of Luzerne County judges (Conahan and Civarrelli) this only confirms our decision about this case. We felt that Judge Michael Conahan ruled favorably for Janet Flack because she and her brother (Charles "Rusty" Flack) are friends of the judges and large contributors through Diamond Manufacturing and First Heritage Bank.


Mary E. Kozlek


Thomas F. Kozlek

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
WILLIAM J. NEALON FEDERAL BLDG. & U.S. COURTHOUSE
235 N. WASHINGTON AVE., P.O. BOX 856
SCRANTON, PA 18501-0856
Chambers_of_Judge_Edwin_M._Kosik@pamd.uscourts.gov

EDWIN M. KOSIK
JUDGE

TEL. (570) 207-5730
FAX (570) 207-5730

June 15, 2010

Via First-Class Mail

30

Rosemarie Cressman
55 Hickory Lane
Shickshinny, PA 18655

Dear Ms. Cressman,

Thank you for your letter dated April 30, 2010, and received by me on June 14, 2010. I am sorry justice is so slow, but ultimately I hope you find it to be true.

Sincerely,



Edwin M. Kosik
United States District Judge

US DISTRICT JUDGE EDWIN KOSIK
WM. J. NEALON FEDERAL BLDG. & US COURTHOUSE
235 N. WASHINGTON AVE.
P.O. BOX 1148
SCRANTON, PA 18501

4/30/2010

09CR272-ALL
Rec'd
~~FILED~~
SCRANTON

JUN 14 2010

PER EF
DEPUTY CLERK

DEAR JUDGE KOSIK:

As a citizen of Luzerne County whose was impacted by the actions of Conahan & Ciavarella by having my son taken away in handcuffs after a hearing that lasted less than five minutes and was sent over one hundred miles away for thirteen months, I would hope that you find it in your heart to take into consideration the will of the people who are extremely embarrassed by the actions of these criminals who tarnished the reputations of all judges in Northeast Pennsylvania. You yourself are a judge and you know how important your job is and how it impacts the people. Please take the time to look at all the lives that were impacted by these egregious actions and make it right thereby restoring confidence of the people in the judiciary. Find it in your heart to give him the maximum sentence. I realize there are guidelines but you have the discretion to heal so many wounds and restoring the faith of so many by making Conahan serves the full twenty years which in my opinion is not nearly enough.

RESPECTFULLY,

Rosemarie Cressman

ROSEMARIE CRESSMAN

*55 Hickory Lane
Shickelinn, PA 18655*

*P.S. Seems that all these individuals
sentenced so far have in no way received
the kind of sentences these children
received. They need jail time!*